

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, SEPTEMBER 24, 1991  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson McCarty at 10:05 a.m. The meeting was recessed by Chairperson McCarty at 10:31 a.m. to meet in Closed Session in the 12th floor conference room to discuss pending litigation and to reconvene at 2:00 p.m. The meeting was reconvened by Chairperson McCarty at 2:15 p.m. with Mayor O'Connor and Council Members Wolfsheimer, Pratt, and Filner not present. The meeting was adjourned at 2:20 p.m. to meet as the Redevelopment Agency, and thereafter as the Housing Authority, and thereafter to meet in Closed Session in the 12th floor conference room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-278914  
(Other official City business re Challenger's Cup)
  - (1) Council Member Wolfsheimer-excused by  
R-278744 (Attend Immigration Funding Project  
in Washington, D.C)
  - (2) Council Member Roberts-present
  - (3) Council Member Hartley-present
  - (4) Council Member Pratt-not present
  - (5) Council Member Behr-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-not present
- Clerk-Abdelnour (ll/mc)

FILE LOCATION: MINUTES

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, September 24, 1991

Page 2

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-310: WELCOMED

Welcoming a group of 40 students from Howard Pence Elementary School, accompanied by "Just Say No" coordinator, Barbara Elliott, who will be arriving at approximately 10:30 a.m. (District-8.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A277-295.)

ITEM-330: (R-92-395) CONTINUED TO OCTOBER 8, 1991

Accepting the City Manager's and Auditor's recommendations on the management audit of the Planning Department as provided for in City Manager Report-91-404; and referring the recommendations to the City Manager and/or Planning Director for further analysis and implementation and return to City Council with any necessary action.

(See City Manager Report CMR-91-404.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A050-054.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 8, 1991 AT THE REQUEST OF THE CITY MANAGER TO BE HEARD WITH THE SELECTION PROCESS COMPANION ITEM. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-331:

(Continued from the meeting of September 10, 1991, Item 332, at the request of the Southeast Development Committee, to allow time for the committee to meet and present input.) Two actions relative to the vacation of Capella Street: (Southeast San Diego Community Area. District-4.)

Subitem-A: (R-92-261) ADOPTED AS RESOLUTION R-278784

Vacating Capella Street southeasterly of Mariposa Street, adjacent to Lot 58 and Parcel "A" within Rancho Cerro, Unit No. 1, Map-4948, under the procedure for the summary vacation of streets; declaring that this Resolution shall not become effective unless and until the engineering permits for the required public improvements, which include construction of curb and sidewalk across the vacated area, have been issued; declaring that the City Engineer shall advise the City Clerk when the street improvements have been completed, accepted, and opened to public use.

Subitem-B: (R-92-262) ADOPTED AS RESOLUTION R-278785

Certifying that the information contained in the Addendum END-86-1056 to the Mitigated Negative Declaration END-86-0113, in connection with Philhomes Plaza II and street action, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines and that said Report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The abutting property owners have requested the proposed vacation in order to utilize and consolidate it with their properties to accommodate future garage and building additions for the northerly property and to provide additional acreage for the southerly property in order to create a buildable lot. The vacation also borders the City of National City, which has no objections to the vacation. The area-of-vacation and abutting properties are located in the Southeast San Diego Community Plan area and are situated within an R1-5,000 Zone. The 7,000-square-foot area-of-vacation is proposed to be divided and consolidated with the two adjacent properties (Parcel "A" and Lot 58), creating two lots of 6,853 square feet and 10,696 square feet, respectively. Although the residential entitlement for Lot 58 will increase to provide adequate square footage for an additional lot, no subdivision would be allowed without discretionary approval of a tentative

map. The Southeast San Diego Development Committee has no objection to the vacation, and the Planning Commissioner recommended approval of the vacation on April 20, 1989, by a 7-0 vote. The subject right-of-way is improved with the curb, gutters, and some sidewalk, and dead-ends approximately 130 feet east of Mariposa Street. The street was constructed in 1963 as part of the public improvements for the Rancho Cerro Subdivision. A temporary AC berm has been constructed across the right-of-way at Mariposa Street to prevent access to the dead-end street and to divert surface drainage. Subsequent subdivision and the present development of the property to the south and east has eliminated the necessity of retaining Capella for access, since those developments are obtaining access via other right-of-way. As a condition to the vacation, standard curbs, gutters and sidewalks are to be constructed across the vacation area. The right-of-way to be vacated contains public utilities and franchise facilities which require easement reservations, unless the in-place facilities are removed or relocated. Findings: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated. The right-of-way is no longer required for present or prospective public use and will not detrimentally affect the existing public facility, since the vacation area is not required for access or circulation. The public will benefit through improved utilization of the property and an increased tax base.

FILE LOCATION: DEED F-5665; STRT J-2765 DEEDFY92-1

COUNCIL ACTION: (Tape location: A071-149.)

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-332: (R-92-278) CONTINUED TO OCTOBER 8, 1991

Authorizing the City Manager to withdraw the City of San Diego's \$1.25 million Section 108 Loan Guarantee Application and file a new Section 108 Loan Guarantee Assistance Application, with the United State Department of Housing and Urban Development (HUD), in the amount of \$5,120,000 for the purpose of obtaining a Section 108 loan for the San Diego Mercado project; authorizing the City Manager to file an amendment to the executed Urban Development Action grant (UDAG) agreement between HUD and the City reflecting a change

in the project developer, site, scope of development and schedule.

(See City Manager Report CMR-91-362. Barrio Logan/Harbor 101 Community Area. District-8.)

COMMITTEE ACTION: Reviewed by RULES on 8/7/91. Recommendation to approve the City Manager's recommended actions. Districts 1, 4 and 8 voted yea. District 7 and Mayor not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A054-069.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 8, 1991. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-333:

1. Request for a Tentative Map, Resource Protection Ordinance Permit, and Carmel Valley (formerly North City West) Planned District Development Plan Permit (No. 90-0160).

The Development Plan proposes to construct a total of 27 single-family residences with related off-street parking, site landscaping and brush management on the subject 10.12-acre vacant site. The proposed Tentative Map would divide the subject property into a total of 27 lots to accommodate each of the proposed residences, and open space easement, and necessary public facilities and improvements to serve the development. The environmental document will also be reviewed and considered for certification at this meeting.

The subject property is located on the north side of Del Mar Heights Road, between Wistanley Way and Seagrave Place in the SF1-A and OS Zones and within the adopted Neighborhood 4A Precise Plan area of the Carmel Valley (formerly North City West) Community Plan. The legal description of the site is that portion of the E-1/2, NE-1/4 of Section 17, Township 14 South, Range 3 West, SBM.

2. A proposal to vacate a portion of Black Mountain Road and a street reservation with related slope easement, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Del Mar Heights I (TM-90-0160).

(TM/RPO/PD-90-0160. District 1.)

Subitem-A: (R-92-129) ADOPTED AS RESOLUTION R-278786

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-90-0160 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-92-584) GRANTED MAP, ADOPTED AS  
RESOLUTION R-278787

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-92-585) GRANTED RESOURCE PROTECTION  
ORDINANCE PERMIT, ADOPTED AS  
RESOLUTION R-278788

Adoption of a Resolution granting or denying the Resource Protection Ordinance Permit, with appropriate findings to support Council action.

Subitem-D: (R-92-586) GRANTED DEVELOPMENT PLAN,  
ADOPTED AS RESOLUTION R-278789

Adoption of a Resolution granting or denying the Carmel Valley (formerly North City West) Development Plan Permit, with appropriate findings to support Council action.

Subitem-E: (R-92-128) ADOPTED AS RESOLUTION R-278790

Adoption of a Resolution authorizing the vacation of a portion of Black Mountain Road and a street reservation with related slope easement as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The subject vacation has been initiated by the submission of the tentative map for Del Mar Heights I (TM-90-0160). The tentative map proposes subdivision

of 10.1 acres into 27 lots for single-family homes. Development of the site will be controlled under the related Carmel Valley Planned Development Permit PD-90-0160. The proposed vacation is located in the Carmel Valley (North City West) Community and is situated in the SF1-A Zone. The areas-of-vacation total approximately 8,260 square feet, which is included in the 10.1 acres proposed for subdivision. The Carmel Valley Community Planning Board and the Planning Department have no objections to the proposed vacation. The Planning Commission recommended approval of the Development Permit and Tentative Map on September 17, 1990, by a 4-0 vote. Black Mountain Road is partially improved with pavement and will be ultimately replaced at this location by Del Mar Heights Road. The conditions for the proposed tentative map will provide right-of-way and public improvements for Del Mar Heights Road and the proposed internal streets within the tentative map boundaries. Black Mountain Road also contains public and franchise facilities which are to be relocated. Easements will be provided, as necessary, as part of the final map.

**FINDINGS:** Staff review has indicated that the vacation is consistent with the General Plan, the Community Plan, and Council Policy 600-15. The approval of the final map for Del Mar Heights I establishes that there will be no present or prospective public use and that the vacation will not detrimentally affect facilities for which the rights-of-way were originally acquired. The public will benefit from the vacation through better utilization of land made available by the vacation, and through upgrades to the street system. Staff further recommends that the vacation be conditioned upon the approval and recordation of the final maps for Del Mar Heights I (TM-90-0160).

**FILE LOCATION:** Subitems A & D: PERM-CVPD 90-0160; Subitem B: SUBD-Del Mar Heights I; Subitem C: PERM-RPO 90-0160; Subitem E: DEED F-5683, STRT J-2764 DEEDFY92-1

**COUNCIL ACTION:** (Tape location: A151-274.)

Hearing began 10:17 a.m. and halted 10:26 a.m.

Testimony in favor by Jorge Palacios and Kevin McNamara.

MOTION BY HARTLEY TO ADOPT ITEMS 333 AND 334. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-334:

Two actions relative to the Penasquitos East Facilities Benefit Assessment: (District-1.)

Subitem-A: (R-91-2230) ADOPTED AS RESOLUTION R-278791

Designating an area of benefit in Penasquitos East; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessment Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-91-2231) ADOPTED AS RESOLUTION R-278792

Declaring the development impact fee schedule contained in the Penasquitos East Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Penasquitos East Community.

FILE LOCATION: STRT FB-5

COUNCIL ACTION: (Tape location: A151-274.)

Hearing began 10:17 a.m. and halted 10:26 p.m.

MOTION BY HARTLEY TO ADOPT ITEMS 333 AND 334. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335: CONTINUED TO OCTOBER 8, 1991

Appeal of Robert J. Krause, S.P.E. Corporation, by Richard A. Rubin of Sholders & Sanford, Inc., from the decision of the Planning Commission in denying TM, PIRD & RPO-87-1098 (River Trails Project). The project would develop approximately 10.5 acres of residential



and open space uses within the Coastal Zone and 100-year floodplain of the Tia Juana River. The project proposes 45 detached single-family dwelling units on 6.65 acres of fill material and is located on the west side of Hollister Street between Sunset and Tocayo Avenues, in Zone R1-5000, in the Otay Mesa-Nestor Community Plan area. The subject property is further described as Lot 75 of Sunrise Addition Unit 3, Map-10832. (TM, PIRD/RPO-87-1098. Otay Mesa-Nestor Community Area.

District-8.)

Subitem-A: (R-92- )

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-1098 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-92- )

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-92- )

Adoption of a Resolution granting or denying the appeal and granting or denying the PIRD permit, with appropriate findings to support Council action.

Subitem-D: (R-92- )

Adoption of a Resolution granting or denying the appeal and granting or denying the RPO permit, with appropriate findings to support Council action.

FILE LOCATION: Subitem A, & C: PERM-PIRD 87-1098; Subitem B:  
SUBD-River Trails; Subitem D: PERM-RPO  
87-1098

COUNCIL ACTION: (Tape location: A054-069.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 8, 1991. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-336: CONTINUED TO OCTOBER 8, 1991

(Continued from the meeting of July 30, 1991, Item 337, at the request of the applicant's attorney, Peterson & Price, because one of the principals was out of town.) Proposal to adopt the Santee Investments Otay Mesa Precise Plan and rezoning portions of the planning area from Zone A-1-10 to Zone R-3000 with the Community Plan Implementation Overlay Zone (CPIOZ) Type B; R-1500 with CPIOZ Type B; R-1500; and CN as indicated in Map C-839. Existing Hillside Review Overlay Zones would remain. The proposal is to establish precise land uses for 128.6 acres of vacant land in the Otay Mesa Community Plan area. In accordance with the adopted Otay Mesa Community Plan, the precise plan proposes a community park, a high school site, a 13-acre neighborhood commercial site and 591 medium density multi-family residential units. The precise plan also contains an alternative land use proposal for the high school site that would permit an additional 515 multi-family units within the planning area should the high school be deleted from this planning area. The subject property is located approximately one mile east of I-805 and immediately to the south of the future alignment of SR-905 within the Otay Mesa community and is more particularly described as a subdivision of portions of the northeast and southeast quarters of Section 31 and the northwest quarter of Section 32, Township 18 South, Range 1 West, S.B.B.M. (Case-7359 & RZ-91-0136. District-8.)

Subitem-A: (R-92-149)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0403 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-92-19)

Introduction of an Ordinance for R-3000 (CPIOZ); R-1500 (CPIOZ); R-1500 and CN Zoning, all with existing Hillside Review Overlay.

Subitem-C: (R-92-148)

Adoption of a Resolution approving or denying the precise plan, with appropriate findings to support Council action.

FILE LOCATION: LAND-Santee Investments Otay Mesa Precise Plan

COUNCIL ACTION: (Tape location: B038-049.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 8, 1991 SO THAT COUNCIL MEMBER FILNER COULD BE PRESENT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-337: CONTINUED TO OCTOBER 22, 1991

Three actions relative to the Romero Drive Extension Cost Reimbursement District: (La Jolla Community Area. District-1.)

Subitem-A: (R-92-267)

Establishing the Romero Drive Extension Cost Reimbursement District; setting 20 years as the limiting period when assessed costs are due and payable; declaring that the liens are due and payable in accordance with the provisions of the San Diego Municipal Code; declaring that this resolution represents a lawful lien enacted against each parcel.

Subitem-B: (R-92-268)

Authorizing the execution of a Cost Reimbursement Agreement with Frederick C. Liebhardt, developer, relative to the Romero Drive Extension Cost Reimbursement District; authorizing the expenditure of an amount not to exceed \$1,000 from Cost Reimbursement District Fund No. 63020, Dept. No. 6320, Job Order No.

139027, for the purpose of providing funds to pay for additional consultant services.

Subitem-C: (R-92-269)

Authorizing the execution of a first amendment to the consultant agreement with Jaykim Engineers, Inc. relative to the Romero Drive Extension Cost Reimbursement District.

CITY MANAGER SUPPORTING INFORMATION: On January 14, 1991, the City Council authorized the execution of a District Formation Cost Agreement with the developer, Frederick C. Liebhardt, for the Romero Drive Extension Cost Reimbursement District. The public improvements for which the developer is seeking partial reimbursement include right-of-way acquisition, grading, public utilities, and related work associated with the construction of Romero Drive Extension, per improvement drawings 25374-D. These improvements were part of the Romero Drive Extension engineering permit No. W-38665 requirements. The public improvements will benefit other properties adjacent to this developer's property. It is proposed that all property owners benefitting from the improvements pay their fair share of the project costs. The total estimated cost of the improvements is \$547,315. Of this amount, \$312,373.73 is the responsibility of Liebhardt and the remaining \$234,941.27 would be paid by the benefitting property owners if they develop/redevelop within a 20 year period. A proposed reimbursement district plat and cost distribution report have been filed in the office of the City Clerk as Document No. CR-17-1 and CR-17-2. A notice of today's public hearing was sent to all affected property owners a minimum of 20 days prior to the hearing.

Aud. Cert. 9200124.

FILE LOCATION: STRT CR-17

COUNCIL ACTION: (Tape location: B050-059.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 22, 1991 AT THE REQUEST OF REBECCA MICHAEL TO RE-NOTICE ONE OF THE PROPERTY OWNERS. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-338: CONTINUED TO OCTOBER 8, 1991

1. A request for a tentative map for a 0.91-acre, 1-lot subdivision and a Planned Infill Residential Development Permit to construct seven single-family dwellings on property located on Pendleton Street, north of Walmar Lane and west of Soledad Mountain Road, in Zone-1-5000, in the Pacific Beach Community Plan area. The subject property is more particularly described as Lots 1 and 2, Block 100, Pacific Beach Subdivision, Map-933. 2. A proposal to vacate a portion of Pendleton Street and a portion of Law Street as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Westview II (TM-90-0576).

(TM & PIRD-90-0576. District-6.)

Subitem-A: (R-92-339)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-90-0576 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-92- )

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-92- )

Adoption of a Resolution granting or denying the permit with appropriate findings to support Council action.

Subitem-D: (R-92-338)

Adoption of a Resolution authorizing the vacation of Pendleton Street between Soledad Mountain Road and Walmar Lane, and a portion of Law Street east of Pendleton Street, within the boundaries of Westview II

(TM-90-0576).

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been initiated by the submission of the tentative map for Westview II (TM-90-0576). The map proposes subdivision of 0.9165

acres into two lots for residential development. Development of the site will be controlled under the related Planned Infill Residential Permit (PIRD-90-0576). The subject vacation is located in the Pacific Beach Community Plan area and is situated in an R-1-5000 Zone. The area of vacation totals approximately 33,675 square feet, which is included in the 0.9165 acres proposed for subdivision and will entitle the applicant to six additional dwelling units. The Planning Department has no objection to the proposed vacation, and the Pacific Beach Community Planning Committee recommended approval on November 6, 1990, by a vote of 17-0. The Subdivision Board recommended approval of the development permit, tentative map, and street vacation on July 15, 1991, by a vote of 3-0. The area-of-vacation is unimproved and not required for access or circulation. The right-of-way contains public utilities and franchise facilities for which easements will be provided on the final map. All public improvements required by the street vacation have been addressed by the related tentative map.

FINDINGS: Staff review has indicated that the proposed vacation is consistent with the General Plan, the community plan, and Council Policy 600-15, and may be vacated, conditioned upon approval of the final map. The area is not required for present or prospective public use, and the facilities for which the right-of-way was originally acquired will not be detrimentally affected. The public will benefit from the vacation through improved utilization of the property, an increased tax base, an increase in land area designated for open space, and the full-width improvement of the south portion of Pendleton Street between Chalcedony Street and Walmar Lane.

FILE LOCATION: Subitem A & C: PERM-PIRD-90-0576; Subitem B: SUBD-Westview II; Subitem D: STRT J-2769, DEED F-5684

COUNCIL ACTION: (Tape location: B010-037.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 8, 1991 TO ALLOW THE PROPONENTS TIME TO RESPOND, IN WRITING, TO MR. HOBB'S CONCERNS. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-500: (R-92-374) ADOPTED AS RESOLUTION R-278793

Proclaiming October 4, 1991 to be "Coalition on Victim's Equal Rights Day" and October 1991 as "Crime

Prevention Month" in San Diego; urging all San Diegans to join in partnership with crime victims everywhere to hear their voices and to assist them to balance the scales of justice.

FILE LOCATION:            MEET

COUNCIL ACTION:        (Tape location:    A071-149.)

MOTION BY COMMON CONSENT TO ADOPT.    Passed by the following vote:    Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S501:

Two actions relative to the development of Parkview Estates, Unit No. 1:

(Penasquitos East Community Area. District-1.)

Subitem-A:            (R-92-370)            ADOPTED AS RESOLUTION R-278794

Exempting Vesting Tentative Map TM-87-0081 from the Penasquitos East Transportation Phasing Plan due to significant future benefits accruing to the Penasquitos East Community pursuant to the agreement with Parkview Partnership.

Subitem-B:            (R-92-371)            ADOPTED AS RESOLUTION R-278795

Authorizing the execution of an agreement with Parkview Partnership for development of Parkview Estates.

CITY MANAGER SUPPORTING INFORMATION:    Parkview Partnership seeks to develop property known as Park View Estates, Unit No. 1 (TM-87-0081 approved by Council on appeal, Resolution R-270737, April 12, 1988). Under conditions of the tentative map, development is limited by the Penasquitos East Transportation Phasing Plan. However, the Transportation Phasing Plan indicates that it may be desirable to revise the phasing plan in order to add future benefits to the community. In return for an exemption from the Transportation Phasing Plan, the developer will provide future benefits to the Penasquitos East Community that include: A donation to the YMCA to design, construct, equip and furnish an approximately 5,000 square foot teen center; dedication of open space; a contribution towards the construction of a traffic signal at Carmel Mountain Road and Camino Ruiz; and the grading

and improving of a hiking trail. Exemption of the development from the Transportation Phasing Plan will ensure the availability of building permits when the developer has all approvals and records the final map on the property. The Rancho Penasquitos Planning Board, the Penasquitos Town Council, the Penasquitos Recreation Council and the Homeowners of Penasquitos Association were provided 30-day noticing as required by the Penasquitos East Transportation Phasing Plan.

FILE LOCATION: SUBD-Parkview Estates, Unit No. 1 CONFY92-1

COUNCIL ACTION: (Tape location: A151-274.)

MOTION BY BEHR TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-92-484) ADOPTED AS RESOLUTION R-278796

A Resolution adopted by the City Council in Closed Session on September 24, 1991 authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim against the City, its agents and employees to Pearl Berkeley, et al resulting from personal injury; authorizing the City Auditor and Comptroller to issue one check in the amount of \$75,000 made payable to Pearl Berkeley and Seymour Berkeley and their attorney Francis X. Scheidel.

A.C. #9200213.

FILE LOCATION: MEET

ITEM-CS-2: (R-92-424) ADOPTED AS RESOLUTION R-278797

A Resolution adopted by the City Council in Closed Session on September 24, 1991 authorizing the City Manager to pay the total sum of \$23,000 in the settlement of each and every claim against the City,



its agents and employees to Matthew W. Blair resulting from personal injuries; authorizing the City Auditor and Comptroller to issue one check in the amount of \$23,000 made payable to Matthew W. Blair and his attorney, Fred U. Hammett.

A.C. #9200216

FILE LOCATION: MEET

ITEM-CS-3: (R-92-421) ADOPTED AS RESOLUTION R-278703

A Resolution adopted by the City Council in Closed Session on September 24, 1991 authorizing the City Manager to pay the total sum of \$23,909.34 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to the Comic Kingdom; authorizing the City Auditor and Comptroller to issue one check in the amount of \$23,909.34 made payable to Jack Dickens, dba Comic Kingdom in full settlement of all claims.

A.C. #9200204.

FILE LOCATION: MEET

ITEM-CS-4: (R-92-439) ADOPTED AS RESOLUTION R-278704

A Resolution adopted by the City Council in Closed Session on September 24, 1991 authorizing the City Manager to pay the total sum of \$78,311.73 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from the property damage incurred by Guild Mortgage Company; authorizing the City Auditor and Comptroller to issue one check in the amount of \$78,311.73 made payable to Guild Mortgage Company in full settlement of all claims.

A.C. #9200225.

FILE LOCATION: MEET

ITEM-CS-5: (R-92-496) ADOPTED AS RESOLUTION R-278705

A Resolution adopted by the City Council in Closed Session on September 24, 1991 authorizing the City

Manager to pay the total sum of \$65,000 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from personal injury to Timothy Canty; authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,000 made payable to Timothy Canty and his attorney of record, Robert F. Vaage.

A.C. #9200214.

FILE LOCATION:            MEET

PUBLIC COMMENT:

ITEM-PC-3:

Comment by Don Stillwell on why people in District #6 did not vote, and his honest "Abe Lincoln" approach to politics.

FILE LOCATION:            MINUTES

COUNCIL ACTION:        (Tape location: A313-328.)

COUNCIL COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Chairperson McCarty at 2:20 p.m.

FILE LOCATION:            MINUTES

COUNCIL ACTION:        (Tape location: B063.)